

JOHN GILBERT vs. APC NATCHIQ, INC.  
CASE NO. 3:03-CV-00174-RRB

DEPOSITION OF JOHN D. GILBERT  
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<p style="text-align: right;">Page 34</p> <p>1 Q And you had the responsibility to supervise them?</p> <p>2 A Yes, it's a gray area in my opinion, but -- yes.</p> <p>3 Q Okay. Development of site specific policies and</p> <p>4 procedures?</p> <p>5 A Yes, we all did that.</p> <p>6 Q And risk assessments?</p> <p>7 A Yes.</p> <p>8 Q Incident investigations?</p> <p>9 A Yes.</p> <p>10 Q Audits and monitoring of ongoing activities?</p> <p>11 A Yes, I'm not quite sure what that means.</p> <p>12 Q For example, the activities of safety specialists, were</p> <p>13 you auditing and monitoring ongoing activities by</p> <p>14 safety specialties?</p> <p>15 A Auditing and monitoring?</p> <p>16 Q Yes or no?</p> <p>17 A No.</p> <p>18 Q Okay. How about auditing and monitoring of ongoing</p> <p>19 activities such as the usage safety protocols?</p> <p>20 A Yes.</p> <p>21 Q Okay. Coordination of health surveys?</p> <p>22 A Coordination of health surveys, yes.</p> <p>23 Q Okay. Within this description, let me see if we can</p> <p>24 establish some base line here. If I understand the way</p> <p>25 that APC has this put together, the safety specialist</p>	<p style="text-align: right;">Page 36</p> <p>1 those different areas?</p> <p>2 A Yes, that's right.</p> <p>3 Q Your job, as a safety supervisor was not embedded in</p> <p>4 any of those specific areas, but rather was more</p> <p>5 generalized over all of those areas, would that be</p> <p>6 correct?</p> <p>7 A Yes.</p> <p>8 Q Okay. So that, whereas, one safety specialist might be</p> <p>9 working in construction, you would be working with</p> <p>10 construction and pads and whatever else the other areas</p> <p>11 where you listed?</p> <p>12 A Sure, yes.</p> <p>13 Q Okay. And then within your responsibilities or within</p> <p>14 your job as a safety supervisor, you had to answer to</p> <p>15 Doug Smith, correct.....</p> <p>16 A Yes.</p> <p>17 Q .....as your immediate supervisor?</p> <p>18 A Yes.</p> <p>19 Q Whereas, these gentlemen, the safety specialist would</p> <p>20 answer to the foreman who -- or the supervisors who</p> <p>21 were in their construction areas who weren't safety</p> <p>22 people necessarily, correct?</p> <p>23 MR. COVELL: I'm going to object to the form of</p> <p>24 the question as to when you say answer as to what that means?</p> <p>25 MS. ZOBEL: All right. I'll rephrase it. I'll</p>
<p style="text-align: right;">Page 35</p> <p>1 were, a term I'll use is embedded. They were</p> <p>2 specifically assigned to a location facility and</p> <p>3 project, is that correct?</p> <p>4 A For the most part, that's correct.</p> <p>5 Q Okay. So somebody would go every -- you weren't</p> <p>6 handing out assignments each time this guy would show</p> <p>7 up at work, he'd go and work on pads, for example?</p> <p>8 A Sure, everybody kind of had their assigned area and</p> <p>9 then if somebody was absent there'd be fill-in, you</p> <p>10 know, somebody will go over and fill in.</p> <p>11 Q Okay. All right. And these guys actually were getting</p> <p>12 specific -- in addition to working independently and</p> <p>13 doing monitoring, and you agree with me, they worked</p> <p>14 independently?</p> <p>15 A Yes, oh yes -- definitely.</p> <p>16 Q And in addition to working independently they would</p> <p>17 also respond to whoever was the supervisor within</p> <p>18 control of that particular construction project or area</p> <p>19 of maintenance?</p> <p>20 A Well they reported to or had direct liaison with --</p> <p>21 whether it's the maintenance supervisor or the</p> <p>22 maintenance foreman or -- they had their own areas to</p> <p>23 report to. They -- one was maintenance, one was</p> <p>24 construction, one was operations, and one was drilling.</p> <p>25 Q Okay. And those are the different specialists within</p>	<p style="text-align: right;">Page 37</p> <p>1 be happy to rephrase it.</p> <p>2 MR. COVELL: Just to keep it clear for the</p> <p>3 record.</p> <p>4 MS. ZOBEL: I'll be happy to rephrase that.</p> <p>5 Q (By Ms. Zobel) They were getting specific assignments</p> <p>6 from, for example, let's use an example; they're going</p> <p>7 to do a confined space entry in a particular project.</p> <p>8 And let's say it's in a construction project, would</p> <p>9 that make sense?</p> <p>10 A Sure, yes.</p> <p>11 Q And so the safety specialist would be responsible to</p> <p>12 make sure that they do the confined space entry</p> <p>13 correctly, is that correct?</p> <p>14 A That's correct.</p> <p>15 Q But he would be being told by the supervisor of that</p> <p>16 construction project, we're going to do confined space</p> <p>17 today and this is where we need you?</p> <p>18 A That is also correct.</p> <p>19 Q Okay. Whereas, in your position as a safety supervisor</p> <p>20 you were not taking direction from the other craft</p> <p>21 supervisors, except in a generalized way if they needed</p> <p>22 something to be dealt with from a company wide safety</p> <p>23 issue?</p> <p>24 A No, that's not necessarily true. I was not immune to</p> <p>25 having some of the department heads come to me and say</p>

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1 hey we need this over here.  
2 Q Give me an example of what they would say, this over  
3 here?  
4 A Can you come to the wash bay and do the confined space  
5 entry for the guys in the -- in the wash bay. We've  
6 got another guy that's, for instance, the safety  
7 specialist that was there, he's tied up on another  
8 permit in the heavy shop, for instance.  
9 Q Okay.  
10 A So I would pack up and go over and do that.  
11 Q And that would be on an intermittent basis if somebody  
12 else who was embedded with that group wasn't able to  
13 carry out that responsibility?  
14 A Yes, it could be a daily event, you know. So it could  
15 be at any time, every day or twice a week, or, you  
16 know, what I mean.  
17 Q Well it didn't happen every day though, did it?  
18 A No, it did not happen every day.  
19 MR. COVELL: I want to state another objection.  
20 I think it's just a matter of style, but I think the way you're  
21 not phrasing your questions as questions. You're making the  
22 statement saying that would be this that would be that. So I  
23 object to the form of the question.  
24 MS. ZOBEL: Okay.  
25 MR. COVELL: Because they're technically not

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1 question, so --  
2 MS. ZOBEL: All right.  
3 Q (By Ms. Zobel) I think your answer was that that did  
4 not happen daily. It was something that could happen  
5 that you would be called on, but it happened  
6 intermittently, is that....  
7 A Correct.  
8 Q All right. In general, though your job was not to do  
9 those on site activities but to rather work from the  
10 corporate side of the job of health, safety, and  
11 environment?  
12 MR. COVELL: Technically that's not a question.  
13 MS. ZOBEL: Is that correct?  
14 MR. COVELL: Okay. Now, that's a question.  
15 MS. ZOBEL: He answers before I get to say, is  
16 that correct.  
17 A Okay. I'll quit.  
18 MR. COVELL: That's all right.  
19 Q (By Ms. Zobel) Is that correct?  
20 A No.  
21 Q No? Well --  
22 A I don't quite understand the corporate side. I mean,  
23 the way I look at my job as a safety supervisor, if I  
24 may, it was not too much more than a glorified safety  
25 specialist. Somebody had to be in the office to take

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1 care of all the questions that were brought to the  
2 department each and every day by the rest of the field.  
3 Could I -- was I qualified to do that? Yes. Were the  
4 rest of the guys qualified to do that? Absolutely. We  
5 were all similarly qualified to do the same job. So if  
6 I wasn't in the office somebody else would have to come  
7 in and fill in and do exactly what I was doing. If I  
8 went to the field to get a confined space entry done,  
9 somebody would have to fill in for me in the office.  
10 So we would just shuffle things around and make it all  
11 work. Does that answer your questions.  
12 Q That's helpful. The position that you held though was,  
13 if I'm understanding what you just said, was something  
14 that was necessary? That it was a job that somebody  
15 had to do in terms of being in the office to respond to  
16 the Kuparuk project as a whole?  
17 A Yes.  
18 MR. COVELL: Okay. Now wait, if it's not a  
19 question....  
20 MS. ZOBEL: There was a question mark at the  
21 end of that one.  
22 MR. COVELL: Was there? Well if it's not a  
23 question don't answer it. Okay? All right. Think about  
24 whether it's a question or not, if it's not a question don't  
25 answer it. All right.

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1 MS. ZOBEL: This is going to get confusing for  
2 me, I can see it now.  
3 MR. COVELL: Sometimes people will say is it,  
4 or does it, or was. If the question comes at the end of the  
5 sentence, wait for it. And then if it's a question answer it,  
6 thank you. Pardon me.  
7 MS. ZOBEL: That's all right.  
8 MR. COVELL: These things in conversational  
9 English you can take the inflection and everything else. When  
10 this eventually gets typed up on the paper oftentimes it looks  
11 significantly different from the way it sounds, so that's the  
12 reason for giggling (ph) here. Thank you.  
13 Q (By Ms. Zobel) Okay. It was necessary to have  
14 somebody in the position that you were in, was it not?  
15 A Yes.  
16 Q Okay. And that it was a separate role to be filled  
17 than that of safety specialist, was it not?  
18 A Yes.  
19 Q Okay. We talked briefly before about your employment  
20 history. Let's back up for a second to your resume.  
21 Within the jobs that you held prior to going to work  
22 with APC, were you ever paid on a day rate?  
23 A No.  
24 Q Okay. Since you have left APC, by whom have you been  
25 employed?

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1 A MSE Technology Applications.  
2 Q You went back to a prior employer?  
3 A Correct.  
4 Q What did you do for them?  
5 A Identical job I was doing here.  
6 Q Okay. When you say -- we have to make the record  
7 clear.  
8 A Hydrogeologic and mining engineer.  
9 Q The same job that appears on APC document 12 and is  
10 Exhibit G-1?  
11 A Correct.  
12 Q And how were you paid there?  
13 A Yearly salary.  
14 Q Not a day rate?  
15 A Correct.  
16 Q Is that an exempt position or nonexempt?  
17 A I'm not sure.  
18 Q Are you paid overtime?  
19 A Yes.  
20 Q Okay. And what were the dates that you worked for  
21 them?  
22 A I honestly can't remember. Let's see. I've got to go  
23 back a little bit.  
24 Q Let's go back and establish your dates that you worked  
25 for APC, and then that may help, and we can go from

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1 there. You worked as a safety specialist for what  
2 dates?  
3 A 2001 to 2003.  
4 Q As a safety specialist?  
5 A Specialist. I don't recall the exact date of the  
6 transfer to the safety supervisor so --  
7 Q Let me tell you what my records state and you can tell  
8 if that's correct or not. 01/30/01 to 01/01/02 as a  
9 safety specialist, does that sound correct?  
10 A Sounds reasonable.  
11 Q Okay. And then on 01/03/02 you were transferred to a  
12 safety supervisor.....  
13 A Yes, ma'am.  
14 Q Does that sound correct?  
15 A Sounds correct.  
16 Q Okay. Let me find a document. And then you left,  
17 according to my records, on 04/22/03 as a safety  
18 supervisor, does that sound correct?  
19 A Sounds correct.  
20 Q All right. I've got a shift calendar that is here that  
21 looks like it's something that was changed as of  
22 05/07/02. And I'd like you to just look and tell me if  
23 this appears accurate as to -- I don't mean the exact  
24 dates but the fact that you had certain weeks on and  
25 certain weeks off.

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1 COURT REPORTER: G-3 is marked.  
2 (Deposition Exhibit G-3 marked)  
3 A All right.  
4 Q (By Ms. Zobel) And this is the 2002 shift calendar, is  
5 that -- do you recognize this?  
6 A Yes.  
7 Q All right. Does this accurately set out what would  
8 have been your days on and days off in this -- in the  
9 generalized sense? I don't want you to be saying,  
10 you're testifying that you worked on May 1st, but that  
11 you were on for a certain number of weeks, and then  
12 off. Does this look accurate?  
13 A Yes, this would have been just a simple schedule I put  
14 together to give me a general idea when I was going to  
15 be on the Slope and off the Slope.  
16 Q Okay. And you did a Tuesday change out?  
17 A Yes.  
18 Q And that remained the same for the time through the end  
19 of the time that you worked with APC as a safety  
20 supervisor, is that correct?  
21 A Well in detail I don't recall because sometimes you  
22 come in a day early or leave a day later or, you know,  
23 stay an extra week. So, you know, this would have been  
24 something I would have put together just to give me a  
25 general idea of when I was coming on and when I was

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1 going off, subject to change.  
2 Q Okay. And how were you paid? What was your pay?  
3 A As a safety supervisor?  
4 Q Supervisor, yes.  
5 A I believe it was 425 a day.  
6 Q Four seventy-five?  
7 A Okay. Four seventy-five.  
8 Q On a daily basis?  
9 A Yes.  
10 Q I'm going to show you.....  
11 MS. ZOBEL: Madame court reporter.  
12 Q .....what we have marked as document 491.  
13 COURT REPORTER: And this will be G-4.  
14 (Deposition Exhibit G-4 marked)  
15 (Off record comments)  
16 Q (By Ms. Zobel) Is this something you put together?  
17 Q It may have been something I put together or it may  
18 have been something that Sam Taylor put together.  
19 A Okay.  
20 Q Does this accurately reflect your day rate and number  
21 of days worked per year, do you believe?  
22 A The -- it looks like the day rate of 475 is correct,  
23 but I don't know if it accurately predicts how many  
24 days I worked in a year, I couldn't tell you without  
25 looking at my records how many days I worked so --

12 (Pages 42 to 45)



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1 Q Okay.  
2 A Again, it's just a tool to figure out what your pay is  
3 so when you get your paycheck stub you can balance it  
4 against and say we're generally correct so --  
5 Q Okay. And Sam Taylor at one point worked as your  
6 alternate as a safety supervisor?  
7 A I believe that's correct.  
8 Q So if he prepared this it would have been as a  
9 supervisor?  
10 A No. This was prepared when I -- when we first -- we  
11 arrived on the Slope the same day as safety specialists  
12 and so within our first hitch we would have put this  
13 together.  
14 Q Showing a day rate of 475?  
15 A Oh, you just change it as it went along. So, I mean,  
16 the spreadsheet itself was built early. But you could  
17 insert any day rate you wanted.  
18 Q Okay.  
19 A And it would just do the calculations for you.  
20 Q All right. But that would reflect your rate of  
21 pay....  
22 A Yes.  
23 Q .....at the time that you left APC, correct?  
24 MR. COVELL: And we're talking about the 475?  
25 A Four seventy-five.

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1 MS. ZOBEL: That's correct. Not the 500.  
2 Q (By Ms. Zobel) Do you know why that 500 was done?  
3 What that was?  
4 A Don't have a clue.  
5 Q All right.  
6 MS. ZOBEL: That's your copy.  
7 MR. COVELL: Just for the record, these ones  
8 with the yellow stickers on them, at the end of the deposition  
9 are going to the court reporter. So we don't want to  
10 accidentally fold these up in our materials and take them with  
11 us.  
12 A Very good.  
13 MS. ZOBEL: And if want a copy of them, you can  
14 get the copy that is being given to the.....  
15 MR. COVELL: Reporter.  
16 MS. ZOBEL: To the reporter.  
17 MR. COVELL: And, I'll also have a copy.  
18 A Yes.  
19 Q (By Ms. Zobel) Ron Kirk was also your alternate, was  
20 he not?  
21 A Yes at one time he was my alternate.  
22 Q As a safety specialist, is that correct?  
23 A Yes.  
24 Q Okay. And is it possible that's Mr. Kirk's day rate,  
25 or do you know?

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1 A I have no idea.  
2 Q All right.  
3 MS. ZOBEL: I want to be sure I've got my  
4 records not running away.  
5 Q (By Ms. Zobel) Okay. Back now to this listing of  
6 employment that you've done subsequent. Looking at  
7 04/22/03 as your last day with APC, can you give me a  
8 clue of when you went back to work with MSE Technology  
9 Applications?  
10 A Around April of '04.  
11 Q You took some time off?  
12 A Yes, I did. I took some time off and finished  
13 rebuilding my house and sold it in Challis, Idaho.  
14 (Off record comments)  
15 Q And after you went to work with -- have you worked for  
16 anybody else besides MSE since leaving APC?  
17 A Yes, I have.  
18 Q Okay. When did you leave MSE?  
19 A That would have been about nine months afterwards, so  
20 around -- what does that put us into December of '04?  
21 And then I went to work for -- god, my brain's taking a  
22 break here.  
23 MS. ZOBEL: Do you want to take a break? We've  
24 been doing this over an hour?  
25 A Can we do that and I'll think about that.

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1 MS. ZOBEL: That's fine.  
2 (Off record)  
3 (On record)  
4 Q (By Ms. Zobel) Okay. We were talking, Mr. Gilbert,  
5 about the positions that you've held since, and you  
6 were going to tell me who you went to work with after  
7 MSE Technology?  
8 A Yes, and I thought about it, and guess what?  
9 Q What?  
10 A I can't remember their name.  
11 Q Okay.  
12 A However, it's the same company that I've worked for  
13 since. There's been several contract changes, so the  
14 name of the owner of the company has changed although  
15 the location has not. So I currently work for CH2M  
16 Hill, Washington Group and.....  
17 Q And -- go ahead.  
18 A And I've worked for them since the MSE position.  
19 Q And that would have been since December of '04?  
20 A Correct.  
21 Q And tell me what you do for CH2M Hill?  
22 A I'm a civil engineer.  
23 Q And are you actually working in Washington State or in  
24 Lewiston? Oh, you're not in Lewis- -- where are you?  
25 A Lewisville.

13 (Pages 46 to 49)

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1 Q Lewisville. You're not in Lewiston?  
2 A I actually work at a small place called Scoville, Idaho  
3 which is the Idaho National Engineering Laboratory.  
4 Q And does your job entail any health and safety  
5 responsibilities?  
6 A No, it does not.  
7 Q And how are you paid there?  
8 A Salary position.  
9 Q And how is that calculated, in the sense, is it on a  
10 day rate, an hourly rate, or an annualized?  
11 A I'm not sure to be honest. It's not a day rate, so  
12 it's a yearly salary but I get, again, overtime for  
13 every hour I work overtime.  
14 Q Okay. Have you worked previous to the job with APC on  
15 a day rate?  
16 A No.  
17 Q Did you ever try to negotiate a day rate with anyone?  
18 A No.  
19 Q Have you worked since with anyone on a day rate?  
20 A No.  
21 Q Have you ever tried to negotiate a day rate with any of  
22 these people that you worked with since?  
23 A No.  
24 Q Have you ever brought a wage and hour lawsuit  
25 previously?

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1 A No.  
2 Q Or since?  
3 A No.  
4 Q Now in your work with APC, you were paid in what  
5 method, day rate?  
6 A Yes.  
7 Q That's a question mark. Okay. And your day rate went  
8 up a variety of times based upon how long you'd been  
9 with the company, is that correct?  
10 A I had several pay raises while I was there, that's  
11 correct.  
12 Q Okay. And your last, I think we established was 475 an  
13 hour, correct?  
14 A Correct.  
15 MR. COVELL: That's a day.  
16 MS. ZOBEL: What did I say, an hour?  
17 MR. COVELL: I think so.  
18 A An hour.  
19 Q (By Ms. Zobel) Okay. Did you have a contract with APC  
20 Natchiq?  
21 A No.  
22 Q Now the number of hours that you actually worked per  
23 day, did that fluctuate?  
24 A Yes.  
25 Q Did you have an understanding with the company as to a

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1 minimum number of hours that you were expected to work  
2 in exchange for the day rate?  
3 A That would have been 12 hours.  
4 Q Okay. That was your understanding of the expectation?  
5 A Yes.  
6 Q Okay. And you've provided us with -- or your counsel  
7 did, a series of calendars that are dated and show the  
8 dates that you were on the Slope.  
9 A Yes.  
10 Q Okay. And these are previously then -- I did not mark  
11 those as exhibits to this deposition. I just want to  
12 confirm some information regarding them.  
13 A Okay.  
14 Q They are marked, for the record, beginning 0033 and  
15 they go through 115 -- 0115. And those records --  
16 first of all, is that your handwriting on them?  
17 A Yes, it is.  
18 Q And did you keep these while you were working there  
19 contemporaneous?  
20 A Yes, I did. I kept them every day.  
21 Q Okay. And why did you do this?  
22 A Habit. Same book here.  
23 Q Do you do that in your current job?  
24 A Yes, I do.  
25 Q And these record the number of hours, I'm assuming,

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1 that you worked. For example, there's a 12, as 12  
2 point -- a 21.5, a 13.5, a 12, a 13.5, a 12, and a 12  
3 kind of thing.  
4 A Correct.  
5 Q And those are the dates or the time that you worked, is  
6 that correct?  
7 A Those are the hours I worked in the day.  
8 Q Yes. You answered the question I was trying to ask,  
9 thank you. Later in the records I saw when we get into  
10 2002 that you noted actual hours when you came in. For  
11 example, at random I opened it up to March 25 and the  
12 entry is office work, 6:00 a.m. to 6:00 p.m. and why  
13 did you change your habit then?  
14 A I have no good answer for you there, I just don't know.  
15 Q Okay. But this would reflect that you, on that day --  
16 what would that reflect on that date? The entry March  
17 25th?  
18 A Twelve hours of work on Monday, March 25th.  
19 Q In the office?  
20 A Yes.  
21 Q Okay. And then if we went to another one, May 14th of  
22 2002, on page 78, it says meeting Pat Holland, Paul  
23 Booth, something in design, maybe you can read this to  
24 us.  
25 A Which day are we looking at?

14 (Pages 50 to 53)

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1 Q We're just at random opening it.  
2 A Meeting Pat Holland at the paint booth. Concerns a  
3 design of hose, it looks like.  
4 Q Okay. Who's Pat Holland?  
5 A Pat Holland was a light shop foreman.  
6 Q Okay.  
7 A Light shop.  
8 Q And he called you in to look at design on something  
9 that he thought might be unsafe, is that correct?  
10 A It could have been, yes.  
11 Q Okay. So would this be one of the instances that you  
12 talked about where you might go into the field?  
13 A Yes.  
14 Q Okay. And then it says, office 5:30 to 6:30 p.m. so  
15 you were back in the office.....  
16 A Back in the office.  
17 Q .....after doing that? Okay. So if I wanted to find  
18 out, in general, when you were in the office, and when  
19 you were out, would this accurately reflect, at least,  
20 in general, the times when you were working in  
21 different places?  
22 A Yes.  
23 Q Okay. Talking about -- and I'm skipping over safety  
24 specialist and going to concentrate on safety  
25 supervisor pursuant to the discussions we've already

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1 had. So all of these questions are going to be after  
2 you were promoted to a supervisory position. Okay?  
3 A Okay.  
4 Q Do you believe it was a promotion?  
5 A I think anytime you're given more money, it may be a  
6 promotion.  
7 Q Okay. Where physically were you expected to report  
8 each day? Where was your office or did you have an  
9 office?  
10 A Yes, we had a section of the Kuparuk camp that the  
11 safety guys had for offices.  
12 Q Okay. And did you and your alternate physically have  
13 an office assigned to you?  
14 A Yes, all the safety specialists had an office assigned  
15 to them and safety supervisors.  
16 Q Okay. And, in fact, I've got a schematic, I think, of  
17 your office and a listed of equipment or ergonomic  
18 furniture that was ordered for you. Was that done  
19 after you were promoted?  
20 A I don't recall. You'd have to ask Doug with -- I don't  
21 recall when we ordered that stuff.  
22 Q Okay. But we're not asking Doug today.  
23 A Okay.  
24 MR. SMITH: I'm sorry John.  
25 Q (By Ms. Zobel) Did you have an administrative staff

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1 that was assigned to work with you?  
2 A The department had a secretary, yes.  
3 Q And did you give that secretary assignments to work on?  
4 A Yes and no. Primarily they had their task to do every  
5 day that just went unchanging. You know, they'd file  
6 the paperwork, they would fill out injury and illness  
7 reports, take care of the -- mostly it was just  
8 paperwork I guess. Filing records.  
9 Q Was that filing and paperwork in support of your  
10 position, at least partially question mark?  
11 A More in support of the department, not necessarily my  
12 position.  
13 Q Okay. The material that you generated, did they file  
14 it?  
15 A Some of it yes.  
16 Q Okay. There's an organization chart that we have.  
17 COURT REPORTER: All right. G-5 is marked.  
18 (Deposition Exhibit G-5 marked)  
19 MR. COVELL: Thank you.  
20 Q (By Ms. Zobel) Have you seen this before?  
21 A I saw it yesterday.  
22 Q Okay. Among the documents that we provided to your  
23 counsel?  
24 A Correct.  
25 Q This safety manager as Doug Smith and then you as a

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1 safety supervisor with an alternate of Ron Kirk, was  
2 that accurate in the reporting -- as to the reporting  
3 that -- as to the person you reported to?  
4 A Did I report to Doug Smith?  
5 Q Yes.  
6 A Yes.  
7 Q Okay. And the admin assistant, it shows them as being  
8 connected to your position, so -- and was that accurate  
9 also?  
10 A I don't quite know how to answer that. I think they  
11 were connected as much Doug as they were to me.  
12 Q All right. Okay. They supported both of you?  
13 A Correct.  
14 Q Then you have below that the safety specialist as  
15 reporting to you, is that, and you were earlier  
16 testifying, I think, that you did supervise those  
17 positions, is that correct?  
18 MR. COVELL: I guess, I'll object to compound.  
19 MS. ZOBEL: Yes.  
20 MR. COVELL: So she can either break it down to  
21 two.  
22 MS. ZOBEL: I can break it down to two.  
23 Q (By Ms. Zobel) You supervised those safety specialists  
24 that were below you, did you not?  
25 A Yes.

15 (Pages 54 to 57)



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1 Q Okay then it shows the -- what's IH safety specialist?

2 A Industrial hygiene.

3 Q Okay. And that's just another safety specialist? They

4 couldn't get them all on the same line, is that right

5 or is that somebody different?

6 A Sam just had an industrial hygiene background.

7 Q Okay.

8 A So he....

9 Q Did he float?

10 A Yes.

11 Q Okay. Whereas, these other positions were embedded?

12 A In general, yes.

13 Q Okay. And you would, if we had to say float as a word,

14 you would be available as a consultant for each of

15 these other -- all these fields down below you. IH

16 safety construction, field services production, and

17 field safety?

18 MR. COVELL: I would object to compound. No

19 question.

20 MS. ZOBEL: There was a question.

21 MR. COVELL: I didn't hear it, I'm sorry.

22 MS. ZOBEL: Okay.

23 Q (By Ms. Zobel) Can you answer it?

24 MR. COVELL: Do you understand it?

25 A I think, the question as I understand it, is I could be

1 A It might have been at the very early stage and I'm not

2 -- there were so many guys that came and went through

3 there. In fact, there was one guy every 30 days that

4 came and went, so at one point this may have been

5 accurate but --

6 Q In terms of the names of the individuals, not the job

7 description is that what you're referring to?

8 A Yes, the job description names look kind of -- look

9 right.

10 Q Okay.

11 A Uh-huh (affirmative).

12 Q So if somebody may -- who held that position might come

13 and go, but the positions remained the same throughout

14 the time that you worked there, is that correct?

15 A Well, again, the -- I mean this is just a snapshot in

16 time from a very early stage. Ron Kirk who you have

17 listed here as safety supervisor with me became a

18 safety specialist with Michael Davis.

19 Q Let's stop a second. Ignoring the names of who filled

20 which of these blocks, did this construction as to an

21 organization chart remain essentially the same during

22 the time that you worked as a safety supervisor?

23 A Essentially the same.

24 Q Okay. All right. Doug Smith was your immediate

25 supervisor but he -- there were times when Mr. Smith

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1 a direct substitute for any of these guys....

2 Q That isn't what I was asking.

3 A Okay.

4 Q Did you, in your position -- did you act as a

5 consultant to these different subspecialties, the

6 safety specialist in the field, the production service

7 safety specialty, et cetera?

8 A I don't think I acted as a consultant, no.

9 Q If they had a question or if what we -- let me ask you

10 this then: We had a listing on your calendar that we

11 just looked at, at random where somebody had a concern

12 of a hose you said, correct?

13 A Uh-huh (affirmative).

14 Q And they came to you to have you look at this as a

15 consultant, correct?

16 A In that light yes, you're correct.

17 Q Okay. What if a construction safety specialist, I

18 believe it's Tommy Brown, had a question would he bring

19 it to you? And let me rephrase that: Had a question

20 regarding the meeting as data or how to go about doing

21 some procedure, would he consult with you?

22 A He could, yes.

23 Q Okay. Is this organization chart as far you know, does

24 this represent your understanding of the department

25 that you worked in?

1 was not on the Slope correct?

2 A Correct.

3 Q And when he was gone, did you act in his stead?

4 A For certain things I did yes.

5 Q Okay. Give me some examples of what you did in his

6 shoes, when he wasn't there.

7 A Gather everybody's timecards, sign them and make sure

8 that they got submitted to the accounting. Answer all

9 the questions in regards to the department, you know,

10 like we talked earlier about people coming and asking

11 questions about the construction or the field services

12 area production services, so I would handle those

13 questions as best I could. Try to keep things rolling.

14 Q Okay. Did you attend supervisory meetings?

15 A Can you explain that supervisory business?

16 Q I'll give you some specifics in a minute, okay? Where

17 you attended, we'll talk about that. When you said

18 answer questions from the departments that would come

19 into the office, give me a, for example, what would

20 somebody be asking?

21 A For example, somebody would come in and say, hey are

22 you going to have somebody on pad such and such, at

23 this time to do the confined space and I would say, I

24 will know since I know about it. So, I'd call one of

25 these guys, whoever was out in the field closest to

16 (Pages 58 to 61)

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1 their need and get them on the radio and send them over  
2 there.  
3 Q Okay. In that sense were you a coordinator of the work  
4 that was being done by HSE?  
5 A You could say that, yes.  
6 Q Okay. What's another, for example, kind of question  
7 you might get?  
8 A The client, Industrial Hygienist might come down and  
9 ask did you guys do samples on this date, at this  
10 location and I would go to the sample record book, and  
11 open it up and say yes or no.  
12 Q And would they ask you for what the results were or  
13 anything like that?  
14 A Yes, we'd just show them it's all in the books, so  
15 you'd open the book and say, if it was there, here's  
16 the results for that day, on this person.  
17 Q Okay. Give me another, for example.  
18 A Somebody might come and say, hey we have an injury or  
19 an illness with a particular employee and you need to  
20 go to the medical and meet him and make sure that the  
21 appropriate paperwork's filled out so I would handle  
22 that.  
23 Q Okay. And that was within the Workers' Comp program  
24 and the OSHA recordable program?  
25 A That was just out of the recordable program.

1 A Yes, you could say that.  
2 Q Okay. Let's look at some of these meetings, I said  
3 we'd be talking about. Well I think we'll look at some  
4 of these meetings.  
5 COURT REPORTER: I'm marking G-6.  
6 (Deposition Exhibit G-6 marked)  
7 Q Senior staff meeting, February 13, 2002. This is  
8 during the time period when you were a safety  
9 specialist, was it not? I mean a safety supervisor,  
10 was it not, sorry?  
11 A Yes.  
12 Q That's February '02. I just wanted to be sure we were  
13 on the....  
14 MR. COVELL: Just to make it easy, I thought  
15 this was safety specialist time.  
16 MS. ZOBEL: No.  
17 MR. COVELL: All right.  
18 MS. ZOBEL: No, safety specialist began as a  
19 one....  
20 MR. COVELL: 01/02 through 4/03. Okay.  
21 MS. ZOBEL: Yes, 01/03/02 safety supervisor.  
22 A We need to write those on the board.  
23 MS. ZOBEL: I know. I have a cheat sheet.  
24 A Okay.  
25 MR. COVELL: So it's approximately a year and a

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1 Q Okay. Now there were -- thinking about the recordable  
2 program under OSHA there were certain illnesses or  
3 injuries that would occur that would not be recordable,  
4 is that correct, under the regulations?  
5 A Correct.  
6 Q And would you be the person who would make the  
7 determination as to whether this was recordable as a  
8 lost time or personal incident?  
9 A I could be that person, yes.  
10 Q Okay. And you'd be exercising your judgment over the  
11 situation?  
12 MR. COVELL: Objection.  
13 Q (By Ms. Zobel) Is that correct?  
14 A I would be exercising the requirements of the CFR and  
15 the company's regulations. Not my judgment -- but the  
16 company's order, federal government's.  
17 Q All right. You said a moment ago as one of your  
18 examples that you -- that the client might come to you  
19 and ask a questions if something were done. Was this  
20 an activity that you would do fairly regularly to  
21 interface with the client, Phillips Alaska?  
22 A Yes, it happened quite frequently.  
23 Q Okay. Were you at times considered a spokesperson for  
24 the Department of Health -- HSE, for APC when it came  
25 to interacting with the client?

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1 half safety supervisor from January of '02?  
2 MS. ZOBEL: Through April of 03?  
3 MR. COVELL: Right. And then for a year prior  
4 to that safety specialist?  
5 A Correct.  
6 MS. ZOBEL: That's correct, but we're only  
7 dealing with six months at least under my theory.  
8 MR. COVELL: Well weather or not he's entitled  
9 to money....  
10 MS. ZOBEL: Yes.  
11 MR. COVELL: .....is your theory. But whether  
12 or not he was actually there in that position, we agree to  
13 that?  
14 MS. ZOBEL: Yes, yes.  
15 MR. COVELL: That's fine.  
16 Q (By Ms. Zobel) Now senior staff meeting, who would  
17 have been -- besides yourself, you're listed as an  
18 attendee and we deleted names.  
19 A Oh, okay.  
20 Q Yes, you were the only one there. Who else would have  
21 attended this, and you don't have to give me names.  
22 We'll just get the org chart, is there anybody on this  
23 org chart would have been there besides yourself or  
24 Doug Smith if he were there.  
25 MR. COVELL: Now just for the record, you're

17 (Pages 62 to 65)



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1 referring to what's marked as.....  
2 MS. ZOBEL: G-5.  
3 MR. COVELL: G-5 is the org chart.  
4 A Can I just look at this senior staff meeting for just a  
5 second maybe it'll jog my memory here.  
6 Q (By Ms. Zobel) Sure.  
7 A See, I can't tell if this is a -- is this a Phillips  
8 senior staff meeting or an APC senior staff meeting?  
9 Q Well let me ask you this: You're shown as an attendee  
10 of this and as a safety specialist you never would have  
11 attended a senior staff meeting whether it was an APC  
12 senior staff meeting or a PAI senior staff meeting  
13 would you have?  
14 A There's a chance that I could have attended a senior  
15 staff meeting as a safety specialist.  
16 Q Okay. After.....  
17 A For both companies.  
18 Q After you became a safety supervisor, was there a  
19 situation where anyone who was a safety specialist  
20 would ever have attended these meetings or would it  
21 only be you or Doug Smith?  
22 A No, it could have been anybody out of the department.  
23 Any of the -- any of the safety specialists could have  
24 attended one of these -- could have.  
25 Q Could have. But was that the norm?

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1 A Yes.  
2 Q That they did it regularly?  
3 A By regularly, what do you mean?  
4 Q Well these meetings were held what, monthly?  
5 A That I don't know.  
6 Q All right. Was there ever a senior-staff meeting held  
7 that you know somebody who was a safety specialist  
8 attended when you were otherwise available or Doug  
9 Smith was available?  
10 A I can't answer that, I don't recall.  
11 Q All right. What about -- I'm going to show you some  
12 change out notes that you did.  
13 MS. ZOBEL: Oh, a mess up.  
14 A It doesn't have a yellow sticky on it yet.  
15 COURT REPORTER: G-7.  
16 (Deposition Exhibit G-7 marked)  
17 MR. COVELL: Madame clerk, do you just want to  
18 pass the exhibit stickers down here, do you trust us with them?  
19 And we could put them on perhaps?  
20 COURT REPORTER: I do trust you.  
21 MS. ZOBEL: Whatever is easiest, I want to move  
22 this along.  
23 Q (By Ms. Zobel) Were there meetings that were held  
24 amount the senior staff of APC that you step into the  
25 position and attend when Doug Smith was unavailable?

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1 A Yes.  
2 Q Okay. And your representation would be the HSE  
3 department?  
4 A Yes.  
5 Q Okay. These are some examples of some of your change  
6 out notes, we've marked it as Exhibit G-7. Do you  
7 recognize these?  
8 A I recognize the notes, yes.  
9 Q This would have bene January 3rd of 2002, it looks  
10 like. So, now, you said the date on this is 01/20/01.  
11 You don't mean that do you? Change out notes of  
12 January 3 -- yes, haven't you misstated the date?  
13 A Probably blew the date, yes.  
14 Q Okay. These were done to -- for what reason?  
15 A Well first of all I guess the two, the change out  
16 memorandum two, I don't know -- what did you.....  
17 Q We took all the names out.  
18 A Are you sure there was a name there?  
19 Q Yes, there was a name there.  
20 A Because sometimes I would just keep my notes here for  
21 the next go around when I didn't have an alternate or  
22 nobody to hand these off to.  
23 Q Okay.  
24 A So I just wanted to make sure there was.  
25 Q Yes.

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1 A Okay. So you took a name off there, so I provided this  
2 to my alternate, whoever that might have been at the  
3 time to let them know what I had done during my time  
4 period on the Slope and to assist them in getting up to  
5 speed for what was going on overall.  
6 Q Okay. And it looks like there, you've divided it into  
7 topics. And lets go through those topics and have you  
8 tell me generally, what your responsibilities were?  
9 Illness and injuries, what were your responsibilities  
10 here?  
11 A Basically, I am just stating who got hurt, when, and  
12 what their status was and how they were handled and  
13 probably whether or not they were -- well in which  
14 regard they were classified, you know. Were they a  
15 first aid incident, were they a recordable incident --  
16 Q Time loss, et cetera?  
17 A Yes, so on.  
18 Q And what within the injury area besides determining and  
19 recording that people were a time loss for your OSHA  
20 300 or OSHA 200 depending on the time period log, what  
21 other, if any responsibilities, did you have vis a vis  
22 somebody who was injured?  
23 A I'm not quite sure how to answer that. I guess  
24 basically somebody would bring -- would call me first  
25 of all or let us know -- let me know, let the

18 (Pages 66 to 69)